

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER GRANTING UNITED STATES’
)	MOTION TO REVOKE DEFENDANT’S
vs.)	MARCH 1, 2023, FURLOUGH
)	
Javonte Jones,)	Case No. 1:21-cr-170
)	
Defendant.)	

On February 3, 2023, the undersigned issued an order granting Defendant’s request for a furlough on March 1, 2023, so that he could attend an appointment for an elective procedure that he had scheduled with his orthodontist. (Doc. No. 200).¹ The order provided in relevant part the following: “Defendant shall be released to a person approved by the Probation Officer no earlier than 11:30 AM on March 1, 2023, for immediate transport to his second appointment at Hollevoet Orthodontics. He shall return to the Burleigh Morton Detention Center by 2:00 PM on March 1, 2023.” (Id.).

Since filing his furlough request Defendant has entered into a plea agreement with the United States. (Doc. No. 201). His change of plea hearing is scheduled for March 1, 2023, at 2:30 PM. (Doc. No. 203).

On February 24, 2023, the United States filed a motion to revoke Defendant’s furlough on March 1, 2023, on the ground that it conflicts with Defendant’s change of plea hearing. (Doc. No. 204).

¹ Defendant filed a motion advising that he was having issues with the braces on his teeth and requesting furloughs on February 10 and March 1, 2023, so that he could keep his appointments with his orthodontist. (Doc. Nos. 198 and 200). The court issued an order authorizing both of Defendant’s furloughs. (Doc. No. 200).

Defendant's change of plea hearing takes precedence over his furlough for an elective procedure that can be rescheduled. The procedure is not medically necessary. Consequently, it is not imperative that the procedure is conducted on March 1, 2023.

Defendant is in custody, which means that the United States Marshal must transport him to the courthouse for his change of plea hearing at 2:30 PM on March 1, 2023. As Defendant's furlough did not require him to report back to the Burleigh Morton Detention Center until 2:00 PM on March 1, 2023, the United States Marshal would not have sufficient time to transport him to his scheduled change of plea hearing.

For these reasons, he undersigned **GRANTS** the United States' motion (Doc. No. 204) and revokes Defendant's March 1, 2023, furlough. The undersigned appreciates that Defendant did not have an opportunity to respond to the United States' motion. While it may come as little consolation to Defendant, the undersigned would have canceled his March 1, 2023, furlough regardless of the United States' motion to ensure that his change of plea hearing can proceed as scheduled. In any event, Defendant is not prejudiced by the cancellation of his furlough. Once Defendant has rescheduled his appointment with his orthodontist, he may file a motion requesting another furlough.

IT IS SO ORDERED.

Dated this 27th day of February, 2023.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court